



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	PLICATION NO. FILING DATE FIRST NAMED IN		ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/965,073	09/28/2001	Yuki Wakita	214491US2X	3398	
22850 7	590 06/02/2004	EXAMINER			
•	VAK, MCCLELLAND,	PESIN, BORIS M			
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DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If IN Operiod for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filled on  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-63 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to.  8) Claim(s) is/are objected to.	_								
Examiner   Boris Pasin   2174   217		Application No	).	Applicant(s)	din				
Boris Pasin  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OT THIS COMMUNICATION.  The MAILING DATE OT THIS COMMUNICATION.  If the period for reply specified above is been free through only 13 CSP1 13(49), in an exercit, however, may a rentyle be trievely fired.  If the period for reply specified above is been free thrifty (501 days, a rentyl which the adeletory printing and from (19) (30) days is the period and 20 (30) (30) and 20 (30) (40) (30) (40) (40) (40) (40) (40) (40) (40) (4		09/965,073		WAKITA ET AL.					
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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-31, drawn to visual editing apparatus classified in class 345, subclass 723.
- II. Claims 32-51, drawn to managing a hierarchy of objects, classified in class 345, subclass 853.
- III. Claims 52-63, drawn to managing data and documents, classified in class715, subclass 500.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has a separate utility such manipulating and editing pictures in a graphical user interface. However, invention II has a utility of managing hierarchy of objects. And further invention III has a separate utility of managing data and documents. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I or Group III, restriction for examination purposes as indicated is proper.

A telephone call was made to Joseph Scafetta, Jr. on 05/26/2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KRISTINE KINCAID

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2100